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27 Blockbuster Inc.

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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

21 NETFLIX, INC., a Delaware corporation,

Case No. C 06 2361 WHA

22 Plaintiff,

**STIPULATION REQUESTING
CONTINUANCE OF HEARING DATE**

23 v.

Complaint filed: April 4, 2006

24 BLOCKBUSTER, INC., a Delaware
25 corporation, DOES 1-50,

26 Defendant.

27 AND RELATED COUNTERCLAIMS

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1 WHEREAS, Netflix, Inc. and Blockbuster Inc. (collectively, "the parties") filed in
2 November of 2006 cross-motions to compel and a motion for protective order, and subsequently
3 reached agreement on the majority of the contested issues in those motions by way of a
4 stipulation filed on December 15, 2006;¹

5 WHEREAS, the parties have diligently attempted to reach agreement on the remaining
6 issues and are currently endeavoring to reach agreement on a stipulation resolving those
7 remaining issues;

8 WHEREAS, the parties presently have a hearing scheduled for Friday, January 12, 2006
9 on the remaining issues in dispute, with briefing on the issues remaining in dispute scheduled to
10 be filed today;

11 WHEREAS, the parties believe that additional time spent negotiating the terms of a
12 stipulation resolving the remaining issues is likely to enable them either to reach complete
13 agreement on a stipulation, obviating the need for a hearing, or to significantly narrow any issues
14 that remain to be presented for resolution at a hearing;

15 WHEREAS, the parties understand that Magistrate Judge Spero is available on January
16 26 to hear argument on any remaining issues, should the parties prove unable to resolve all of the
17 issues involved;

18 THEREFORE, the parties hereby jointly request that the hearing presently scheduled for
19 Friday, January 12, 2007 at 9:30 a.m. be continued until Friday, January 26, 2007 at 9:30 a.m.,
20 with the parties to submit either a finalized stipulation, or briefing that includes each side's
21 proposed order and arguments for why that proposed order should be adopted, no later than
22 Wednesday, January 24, 2007.

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28 ¹ A corrected version of that stipulation was filed on December 19, 2006, and the Court entered
an Order pursuant to the corrected version of that stipulation on December 20, 2006.

1 Dated: January 10, 2007

Respectfully submitted,

2 KEKER & VAN NEST, LLP

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By: _____/s/

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6 Dated: January 10, 2007

Eugene M. Paige

Attorneys For Plaintiff and Counterclaim
Defendant NETFLIX, INC.

Respectfully submitted,

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ALSCHULER GROSSMAN LLP

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By: _____/s/

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William J. O'Brien

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Attorneys For Defendant and

Counterclaimant BLOCKBUSTER INC.

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Pursuant to stipulation, IT IS SO ORDERED.

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14 Dated:

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By: _____

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THE HON. JOSEPH C. SPERO

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UNITED STATES MAGISTRATE JUDGE

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